

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Walter W. Thiemann, et al.	)	Case No. C-1-00-793
	)	
Plaintiff,	)	(Judge Sandra S. Beckwith)
	)	
-v-	)	
	)	<u>MOTION OF NON-PARTY DR. SIDNEY</u>
OHSL Financial Corp., et al.	)	<u>A. PEERLESS FOR PROTECTIVE</u>
	)	<u>ORDER PURSUANT TO F.R. CIV. P.</u>
Defendant.	)	<u>30(D)(4)</u>
	)	

Non-Party witness Dr. Sidney Peerless ("Dr. Peerless") hereby moves this Court pursuant to F.R. Civ. P. 30(d)(4) to terminate and prohibit any resumption or re-opening of the deposition of Dr. Peerless, on the ground that the deposition was conducted in a manner as to unreasonably annoy, embarrass, oppress and harass Dr. Peerless. This Motion is based upon the attached Memorandum in Support and the transcript of Dr. Peerless' deposition which is being separately filed herewith.

Respectfully submitted,

/s/ James E. Burke

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**MEMORANDUM IN SUPPORT**

In support of the foregoing Motion, Non-Party Dr. Sidney A. Peerless incorporates by reference, as if fully re-written herein, the Memorandum of OHSL and Provident Defendants in Opposition to Motion to Hold James E. Burke and KMK in Contempt for Violating this Court's May 10, 2004 Order, which sets forth the legal and factual basis for the issuance of the protective Order requested herein.

Respectfully submitted,

/s/ James E. Burke

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2004, I electronically filed the MOTION OF NON-PARTY DR. SIDNEY PEERLESS FOR PROTECTIVE ORDER PURSUANT TO F. R. CIV. P. 30(d)(4) with the Clerk of Courts, using the CM/ECF System which will send notification electronically to the following:

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/s/ James E. Burke

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James E. Burke